No. 331. MORRIS PLAN INDUSTRIAL BANK OF NEW YORK *v.* GRAVES ET AL., CONSTITUTING THE STATE TAX COMMISSION OF THE STATE OF NEW YORK. Appeal from the Supreme Court of New York. October 13, 1941. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed for want of a final judgment of the highest court of the State on the constitutional question presented. The CHIEF JUSTICE took no part in this decision. *Mr. R.*

Randolph Hicks for appellant. *Messrs. John J. Bennett, Jr.*, Attorney General of New York, and *Wendell P. Brown*, Assistant Attorney General, for appellees. Reported below: 260 App. Div. 978, 23 N. Y. S. 2d 312; 261 App. Div. 1018, 26 N. Y. S. 2d 854.